

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROBERT BLAKE,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-00923

PAUL PERRY, et al.

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Petitioner Robert Blake's complaint [Docket 1, 4] and several amended complaints [Dockets 24, 25, 26]. By Standing Order entered August 1, 2006, and filed in this case on July 19, 2010, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed her PF&R [Docket 29] on January 11, 2011, recommending that this Court dismiss Petitioner's complaint and amended complaints as failing to state a claim upon which relief may be granted under 28 U.S.C. § 1915A.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct

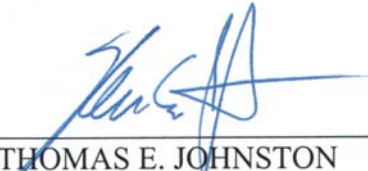
a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on January 28, 2011. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 29], **DISMISSES** the complaint [Docket 1, 4] and amended complaints [Dockets 24, 25, 26] for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A, and **DISMISSES** this case from the docket. In accord with the magistrate judge’s recommendation, the dismissal is pursuant to 28 U.S.C. § 1915A, not Fed. R. Civ. P. 41, as the docket sheet currently reads, *see* Docket 21. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 3, 2011



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE